

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRY BIERLEY)	
Plaintiff,)	
)	
vs.)	C.A. No. 05-07 Erie
)	District Judge McLaughlin
JOANNE BARNHART,)	Magistrate Judge Baxter
Defendant.)	

O R D E R

AND NOW, this 19th day of September, 2006;

IT IS HEREBY ORDERED that Plaintiff's motion to compel medical records [Document # 37] is dismissed without prejudice in that this case has been closed and is presently on appeal at the United States Court of Appeals for the Third Circuit.

SEAN J. MC LAUGHLIN
UNITED STATES DISTRICT JUDGE